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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on **November 18, 2003** in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, Mailing Label Number **EL984605799US**, addressed to the Commissioner for Patents, Alexandria, VA 22313-1450.

Kay Harlow

Attorney Docket No: ADAPP253C

First Named Inventor: Alexander H. Frey

22141 U.S. PTO
10/717314

111803

UTILITY PATENT APPLICATION TRANSMITTAL (37 CFR. § 1.53(b))
(Continuation, Divisional or Continuation-in-part application)

Commissioner for Patents
Alexandria, VA 22313-1450

☐ Duplicate for
fee processing

Sir: This is a request for filing a patent application under 37 CFR. § 1.53(b) in the name of inventors:
Alexander H. Frey, Leonard Olson, and William A. P. Graham

For: **CONTROLLER FAULT RECOVERY SYSTEM FOR A DISTRIBUTED FILE SYSTEM**

This application is a ☒ Continuation ☐ Divisional ☐ Continuation-in-part
of prior Application No.: **09/691,579**, from which priority under 35 U.S.C. §120 is claimed.

Application Elements:

- ☒ 52 Pages of Specification, Claims and Abstract
☒ 19 Sheets of Formal Drawings
☒ 04 Declaration
☐ Newly executed (original or copy)
☒ Copy from a prior application (37 CFR 1.63(d) for a continuation or divisional).
The entire disclosure of the prior application from which a copy of the declaration is herein supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
☐ Deletion of inventors Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

Accompanying Application Parts:

- ☐ Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)
☐ Power of Attorney
☐ 37 CFR 3.73(b) Statement by Assignee
☐ Information Disclosure Statement with Form PTO-1449 ☐ Copies of IDS Citations
☒ Return Receipt Postcard

- ☐ Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)
☐ Other:

Claim For Foreign Priority

- ☐ Priority of _____ Application No. _____ filed on _____ is claimed under 35 U.S.C. § 119.
☐ The certified copy has been filed in prior application U.S. Application No. _____
☐ The certified copy will follow.

Extension of Time for Prior Pending Application

- ☐ A Petition for Extension of Time is being concurrently filed in the prior pending application. A copy of the Petition for Extension of Time is attached.

Amendment

- ☒ Preliminary Amendment, 4 pages, enclosed; enter before calculating the filing fee.

Fee Calculation (37 CFR § 1.16)

	(Col. 1) NO. FILED	(Col. 2) NO. EXTRA	SMALL ENTITY RATE FEE	OR	LARGE ENTITY RATE FEE
BASIC FEE			\$385 \$	OR	\$770 \$770.00
TOTAL CLAIMS	<u>01</u> -21 = <u>00</u>		x09 = \$	OR	x18 = \$
INDEP CLAIMS	<u>01</u> -05 = <u>00</u>		x43 = \$	OR	x86 = \$
[] Multiple Dependent Claim Presented			\$145 = \$	OR	\$290 = \$
* If the difference in Col. 1 is less than zero, enter "0" in Col. 2.			Total \$	OR	Total \$770.00

- ☐ Check No. _____ in the amount of \$_____ is enclosed.

- ☐ The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 50-0805 (Order No. _____).

Request for Small Entity Status

- ☐ Applicant is entitled to small entity status.

General Authorization for Petition for Extension of Time (37 CFR §1.136)

- ☐ Applicants hereby make and generally authorize any Petitions for Extensions of Time as may be needed for any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as may be needed to Deposit Account No. 50-0805.

☒ Please send correspondence to the following address:

Chester E. Martine, Jr.
Martine & Penilla, LLP
710 Lakeway Drive, Suite 170
Sunnyvale, CA 94085
Customer Number 25920

Date: November 18, 2003



Chester E. Martine, Jr.
Registration No. 19,711